



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 2600

In Re the Application of:

SOLI et al

Serial No.: 09/872,079

Filed: June 1, 2001

Confirmation No.: 3838

Atty. File No.: 45568-00412

For: "Method and Apparatus for Measuring  
The Performance of an Implantable  
Middle Ear Hearing Aid, and the  
Response of a Patient Wearing Such a  
Hearing Aid"

) Group Art Unit: 2644

)

) Examiner: Not Yet Assigned

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) INFORMATION DISCLOSURE STATEMENT

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<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON <u>April 12, 2002</u>.</p> <p style="text-align: center;">MARSH FISCHMANN &amp; BREYFOGLE LLP</p> <p>BY: <u>Bobby D. Simon</u></p>
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Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to Applicant's duty of disclosure under 37 CFR § 1.56 and 37 CFR §§ 1.97-1.98, Applicant hereby provides a copy of each of the documents identified on the enclosed PTO Form 1449, although Applicant does not admit that any of such documents, alone or in any combination, is considered to be material to patentability as defined in 37 CFR § 1.56(b). Moreover, the inclusion of these documents is not to be construed as an admission by Applicant that each such document is prior art as to the above-identified application.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: Kent A. Fischmann

Kent A. Fischmann, Esq.

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(720)562-5501

Date: April 12, 2002

2644 #15  
4822

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.

45568-00412

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In Re Application Of: SOLI et al

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Technology Center 2000

Serial No.

09/872,079

Filing Date

June 1, 2001

Examiner

Not Yet Assigned

Group Art Unit

2644

Title: "METHOD AND APPARATUS FOR MEASURING THE PERFORMANCE OF AN IMPLANTABLE MIDDLE EAR HEARING AID, AND THE RESPONSE OF A PATIENT WEARING SUCH A HEARING AID"

Address to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application; within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office Action on the merits, whichever event occurs last.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after three months of the filing of a national application, or the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or after the mailing date of a first Office Action on the merits, whichever occurred last but before the mailing date of either:

1. a Final Action under 37 CFR 1.113, or
  2. a Notice of Allowance under 37 CFR 1.311,
- whichever occurs first.

Also submitted herewith is:

- ☐ a certification as specified in 37 CFR 1.97(e);

OR

- ☐ the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under 37 CFR 1.97(c).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
45568-00412

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MIDDLE EAR HEARING AID, AND THE RESPONSE OF A PATIENT WEARING SUCH A HEARING  
AID"

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☐ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☐ Charge any additional fee required.

**Certificate of Transmission by Facsimile\***

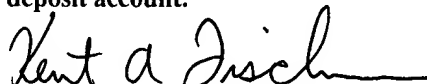
I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. \_\_\_\_\_)

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Signature

Typed or Printed Name of Person Signing Certificate

\*This certificate may only be used if paying by deposit account.

  
Signature

Kent A. Fischmann, Esq.  
Registration No. 35,511  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(720)562-5501

**Certificate of Mailing by First Class Mail**

I certify that this document and fee is being deposited ~~on~~ April 12, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Signature of Person Mailing Correspondence

Bobbye D. Simon

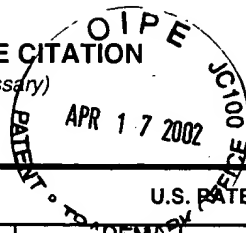
Typed or Printed Name of Person Mailing Correspondence

Dated: April 12, 2002

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APPLICANT(S)

SOLI et al

FILING DATE

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## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,174,278 B1	01/16/2001	JAEGER et al	600	23	
	6,167,138	12/26/2000	SHENNIB	381	60	
	6,002,966	12/14/1999	LOEB et al	607	57	
	5,991,663	11/23/1999	IRLICHT et al	607	57	
	5,970,795	10/26/1999	SEIDMANN et al	733	585	
	5,833,626	11/10/1998	LEYSIEFFER	600	559	
	5,999,856	12/07/1999	KENNEDY	607	57	
	5,776,179	07/07/1998	REN et al	607	137	
	5,776,172	07/07/1998	SCHULMAN et al	607	56	
	5,757,930	05/26/1998	SEIDEMANN et al	381	60	
	5,609,616	03/11/1997	SCHULMAN et al	607	56	

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## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

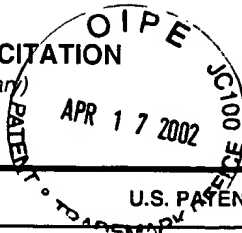

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	5,601,617	02/11/1997	LOEB et al	607	56	
	5,603,726	02/18/1997	SCHULMAN et al	607	57	
	5,569,307	10/29/1996	SCHULMAN et al	607	56	
	5,531,774	07/02/1996	SCHULMAN et al	607	56	
	5,522,865	06/04/1996	SCHULMAN et al	607	56	
	5,197,332	03/30/1993	SHENNIB	73	585	
	5,095,904	03/17/1992	SELIGMAN et al	128	420.6	
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	4,992,966	02/12/1991	WIDIN et al	364	571.04	
	4,953,112	08/28/1990	WIDIN et al	364	578	
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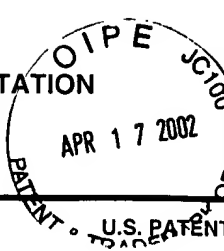

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	4,793,353	12/27/1988	BORKAN	128	421	
	4,612,934	09/23/1986	BORKAN	128	421	
	4,577,641	03/25/1986	HOCHMAIR et al	128	746	
	4,532,930	08/06/1985	CROSBY et al	128	419 R	
	RE 34,961	06/06/1995	WIDIN et al	364	578	

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